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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,017	12/10/2003	Chih-Yuan Wang	MR1683-517	5203

4586 7590 01/18/2007
ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

RAABE, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/731,017

Applicant(s)

WANG, CHIH-YUAN

Examiner

Christopher M. Raabe

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimaki et al. (JP 11-273872) in view of Wang (USPN 6459211).

With regard to claim 1,

Nishimaki et al. disclose a damping and muffling structure for EL cell, comprising a transparent substrate (2a of drawing 1), a front electrode layer (3a of drawing 1), a lighting

Art Unit: 2879

layer (4 of drawing 1), an inducing layer (5 of drawing 1), a back electrode layer (6a of drawing 1) and an insulating layer for packaging the EL cell (2b of drawing 1), the front electrode layer, lighting layer, inducing layer, back electrode layer and insulating layer being sequentially overlaid on the substrate (drawing 1), a conductive layer (damping layer) being laid (8a of drawing 1), the front and back electrode layers and the conductive layer being connected to a driving circuit having a grounding electrode, the conductive layer being connected to the grounding electrode of the driving circuit (3a, 6a, 8a, 10 of drawing 1).

Nishimaki et al. do not disclose the conductive layer (damping layer) being laid between the lighting layer and the inducing layer.

Wang does disclose a damping layer being laid between a lighting layer and an inducing layer (fig 7), reducing noise.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the configuration of Wang into the device of Nishimaki et al. in order to reduce noise.

The phrase "whereby the conductive layer can conduct the charge accumulating on the inducing layer to the grounding electrode" does not structurally distinguish the claimed invention from the prior art, as is required of apparatus claims (MPEP 2114).

With regard to claim 2,

Nishimaki et al. disclose the damping and muffling structure for EL cell, wherein the conductive layer is made of conductive material such as silver gum, carbon gum, metal and conductive polymer (paragraph 13).

With regard to claim 3,

Art Unit: 2879

Nishimaki et al. disclose the damping and muffling structure for EL cell.

Nishimaki et al. do not disclose the conductive layer (damping layer) laid between the lighting layer and the inducing layer.

Wang does disclose a damping layer being laid along one side of an inducing layer (fig 7), reducing noise.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the configuration of Wang into the device of Nishimaki et al. in order to reduce noise.

With regard to claim 4,

Nishimaki et al. disclose the damping and muffling structure for EL cell.

Nishimaki et al. do not disclose the conductive layer (damping layer) laid between the lighting layer and the inducing layer.

Wang does disclose a damping layer being laid along at least two sides of an inducing layer (fig 7 and column 2, line 50-55, column 3, lines 50-55), reducing noise.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the configuration of Wang into the device of Nishimaki et al. in order to reduce noise.

With regard to claim 5,

Nishimaki et al. disclose the damping and muffling structure for EL cell, wherein the front and back electrode layers and the conductive layer respectively have three outward extending conductive terminals for connecting with the driving circuit (3b,6b,8b of drawing 1).

Art Unit: 2879

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6924595, 6696795, 2005/0012693, 2003/0085649, 2004/0085013.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR


ASHOK PATEL
PRIMARY EXAMINER